

Notice of Allowability

Application No.

10/068,506

Examiner

Ling X. Xu

Applicant(s)

PONG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/4/2004.
2. ☒ The allowed claim(s) is/are 2-5,8,9,14,25-29,31 and 36.
3. ☒ The drawings filed on 08 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/25/2004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ling Xu
Examiner 1775

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Rebecca L. Forman on 10/25/2004.

The application has been amended as follows:

Cancel claims 1, 10-13, 30 and 32-35.

In claim 2, replace "claim 1" with -- claim 8--.

In claim 3, replace "claim 1" with -- claim 8--.

In claim 4, replace "claim 1" with -- claim 8--.

In claim 5, replace "claim 1" with -- claim 8--.

In claim 14, replace "claim 1" with -- claim 8--.

In claim 25, line 5, after "substrate" add -- wherein said substrate is a UV-transparent nanoporous silica glass solid having pores that are substantially filled with a UV-transparent solvent, said solvent being selected to dissolve said dye and also to match the refractive index of the nanoporous silica glass solid--

In claim 31, replace "claim 30" with -- claim 25--.

Allowable Subject Matter

2. Claims 2-5, 8-9, 14, 25-29, 31 and 36 are allowed.

The following is an examiner's statement of reasons for allowance: the closest prior art is Kraushaar et al (US 4,317,751) and Haaland (US 6,126,869). Kraushaar discloses an optical filter comprising an organic solar blind filter dye and a UV-transparent substrate, wherein the filter is cyanine dye. Haaland discloses an optical filter comprising an organic solar blind filter dye and a UV-transparent substrate, wherein the filter is a salt of a dithioic acid. No prior art, alone or combinable with Kraushaar or Haaland was found to teach the optical filter as recited in claims 8 and 25. Specifically, the optical filter comprises the filter dye and the UV-transparent substrate of the nanoporous silica glass solid having pores that are substantially filled with a UV-transparent solvent, wherein the solvent is selected to dissolve the dye and also to match the refractive index of the nanoporous silica glass solid, as recited in claims 8 and 25. This specific nanoporous silica substrate exhibits greater tolerance with respect to matching both thermal and reflection index of a suitable solvent and provides an efficient solar blind filter that is chemically and dimensionally stable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling X. Xu whose telephone number is 571-272-1546. The examiner can normally be reached on 8:00 - 4:30 Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah D. Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ling X. Xu
Examiner
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